

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARTIN ROBINSON,)	CASE NO.: 3:23-cv-89
)	
Petitioner,)	JUDGE BRIDGET MEEHAN BRENNAN
)	
v.)	
)	
WARDEN KIMBERLY HENDERSON,)	<u>ORDER</u>
)	
Respondent.)	

Before the Court is the Report and Recommendation (the “R&R”) from Magistrate Judge Jennifer Dowdell Armstrong recommending that this Court deny Petitioner’s motion for an emergency writ, injunction, or court order to cease and desist activity that may be taking place at his residence (Doc. No. 18) and deny Respondent’s motion to dismiss for failure to prosecute (Doc. No. 22). (Doc. No. 28.)

The R&R was issued on March 26, 2024. The time in which to state objections to the R&R has expired. Neither party has filed an objection to the R&R.

Once a magistrate judge issues a report and recommendation, the Judicial Code provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

28 U.S.C. § 636(b)(1)(C) (flush language). The failure to file written objections to a magistrate judge’s report and recommendation constitutes a waiver of a *de novo* determination by the district court of any issue addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d

813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

By failing to object, the parties here waived *de novo* review. *See id.* The Court has fully reviewed the R&R and agrees with its analysis and recommendation regarding the disposition of each motion. (*See* Doc. No. 28 at PageID# 162-63.)

For the reasons above, the R&R is ACCEPTED and ADOPTED. Petitioner's motion for an emergency writ, injunction, or court order to cease and desist activity that may be taking place at his residence (Doc. No. 18) is DENIED. Respondent's motion to dismiss for failure to prosecute (Doc. No. 22) is DENIED. Petitioner shall file a complete, stream-lined amended petition within twenty-eight (28) days from the date of this Order. Petitioner's failure to file within that time will result in this matter being dismissed with prejudice for failure to prosecute.

IT IS SO ORDERED.

Date: May 7, 2024

A handwritten signature in black ink, appearing to read "Bridget M. Brennan", written over a horizontal line.

BRIDGET MEEHAN BRENNAN
UNITED STATES DISTRICT JUDGE